

JUN 14 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Local Exchange Carriers' Rates) CC Docket No. 93-162
Terms, and Conditions for)
Expanded Interconnection for)
Special Access)

PETITION FOR EXTENSION OF TIME FOR FILING
SUPPLEMENTAL DIRECT CASE AND RESPONSE
TO ORDER TO SHOW CAUSE

The United and Central Tier 1 Telephone Companies ("the Sprint LECs"), pursuant to Commission Rule 1.46, 47 C.F.R. §1.46, respectfully file their petition for extension of time for filing their supplemental direct case and response to order to show cause required by the Commission's Supplemental Designation Order and Order to Show Cause ("Supplemental Order").¹

The Sprint LECs were required by the Supplemental Order to show cause why they should not be required to delete references to ICB pricing for expanded interconnection cage construction and central office build out.² Both of these items deal with physical collocation in a LEC central office.

¹ *Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access, Supplemental Designation Order and Order to Show Cause*, CC Docket No. 93-162, Released May 31, 1994, DA 94-556.

² *Id.* at ¶21.

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List A B C D E

The United States Court of Appeals for the District of Columbia Circuit, in Bell Atlantic Telephone Companies et al. v. Federal Communications Commission et al., Case No. 92-1619 et al., on June 10, 1994 ("Physical Collocation Appeal Order") issued its opinion concerning the legality of the Commission's requirement³ that Tier 1 LECs facilitate mandatory physical collocation in the form of "expanded interconnection". The Court found that the Communications "Act does not expressly authorize an order of physical collocation, and thus the Commission may not impose it."⁴ Virtual Collocation was remanded to the Commission.

The only issues that the Sprint LECs were directed to address in the Supplemental Order involve physical collocation. Because the District of Columbia Circuit Court has ruled that physical collocation may not be forced upon LECs, the Sprint LECs believe the Supplemental Order is moot as to the two ICB issues directed at the Sprint LECs.

The Sprint LECs respectfully request that the Commission grant an indefinite extension of time for the Sprint LECs to file their supplemental direct case and response to order to show cause in response to the Supplemental Order until such time as the Commission

³ *Expanded Interconnection with Local Telephone Company Facilities*, CC Docket No. 91-141, Report and Order and Notice of Proposed Rulemaking, 7 F.C.C.R. 7369 (1992) and Memorandum Opinion and Order, 8 F.C.C.R. 127 (1993).

⁴ Physical Collocation Appeal Order at 10.

receives a final order approving its authority to require physical collocation or, in the alternative, removal of the Sprint LEC Supplemental Order response requirements if the Commission does not receive such an order.

The Sprint LECs believe an indefinite extension is justified because it will save both the companies and the Commission time and expense in preparation and review of material that presently appears to be moot yet continues the requirement should the Commission ultimately prevail before the courts.

Respectfully submitted

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June 14, 1994

CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 14th day of June, 1994, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Petition for Extension of Time for Filing Supplemental Direct Case and Response to Order to Show Cause" in the Matter of Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access, CC Docket No. 93-162 filed this date with the Acting Secretary, Federal Communications Commission, to the persons listed on the attached service list.


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